

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **Walter C. Babcock et al.** :

APPLICATION SERIAL NO.: **10/678,145** : Examiner: Edward J Webman

FILING DATE: **October 6, 2003** : Group Art Unit: 1616

TITLE: COMPOSITIONS OF CHOLESTERYL ESTER
TRANSFER PROTEIN INHIBITORS AND HMG-CoA
REDUCTASE INHIBITORS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO COMMUNICATION

The present reply is in response to the communication mailed July 5, 2007. In response thereto, Applicants submit the following remarks.

Claims 1-14 are pending in the present application.

Claim Rejection under 35 USC 103(a)

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO00/38722 in view of Curatolo US6548555 (filed 1-31-2000 and issued 4-15-2003). The present application claims priority from U.S. Provisional Application No. 60/435,328 filed December 20, 2002. Since the priority document for the present application (12-20-2002) was filed before the publication at issuance of Curatolo (4-15-2003) but after the filing date (1-31-2000), Curatolo may be available as a 102(e) type reference. As such, 35 U.S.C. 103(c) applies. At the time that the present invention was made, the present application and the Curatolo reference were subject to an obligation of assignment to the same person. Since Curatolo is relied upon for its teachings, Applicants respectfully request withdrawal of this rejection.

Applicants believe that further and favorable action in the form of a Notice of Allowance Issue is next in order, and such action is earnestly solicited.

Should the Examiner have any questions or comments regarding this amendment or the application in general, he is invited to call the undersigned at (860) 686-0349.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 16-1445.

Respectfully submitted,

Date: October 3, 2007 _____

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